

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

MITCHELL NEWMAN,

Plaintiff,

ORDER

- against -

08 CV 658 (RJD) (CLP)

MOSHE MOR, et al.,

Defendants.

-----X

DEARIE, Chief Judge.

This Court has reviewed the Report & Recommendation of Magistrate Judge Cheryl L. Pollak, dated March 10, 2009. Objections to the Report & Recommendation were to be filed on or before March 27, 2009. No objections have been filed.

The Court adopts the Report & Recommendation in its entirety.¹ Judgment should therefore be entered against the defendants, jointly and severally,² in the amount of \$522,500, plus \$65,706.16 in pre-judgment interest, as well as post-judgment interest in accordance with 28 U.S.C. § 1961.

The Report & Recommendation invited additional submissions in support of plaintiff's request for reimbursement of litigation costs, to be filed by March 23, 2009. (See R&R 15-16.) No such filings were made, and this Court is not in a position to award costs pursuant to 29

¹ The Court notes one minor typographical error: plaintiff requested entry of default and the Clerk of Court entered default on June 18, 2008, not June 18, 2005, as stated in the Report & Recommendation at page 6.

²As stated in the Report & Recommendation, individual defendant Vradii is jointly and severally liable with the other defendants for the \$16,000 she received directly from plaintiff to cover certain expenses related to the subject transaction. All other defendants are liable for the full amount of damages. (See R&R 16.)

U.S.C. § 1132(g)(2)(D). Plaintiff's request is therefore denied, as are his requests for award of attorney's fees and punitive damages.

SO ORDERED.

Dated: Brooklyn, New York
March 30, 2009

s/Raymond J. Dearie

~~RAYMOND J. DEARIE~~
United States District Judge